

26 **§→** [~~This bill provides a coordination clause.~~] None **←§**

27 **Utah Code Sections Affected:**

28 AMENDS:

- 29 **10-8-2**, as last amended by Laws of Utah 2014, Chapter 59
- 30 **10-9a-403**, as last amended by Laws of Utah 2018, Chapter 218
- 31 **11-58-601**, as last amended by Laws of Utah 2018, Second Special Session, Chapter 1
- 32 **17-27a-403**, as last amended by Laws of Utah 2018, Chapter 218
- 33 **17-50-303**, as last amended by Laws of Utah 2014, Chapter 66
- 34 **17C-1-102**, as last amended by Laws of Utah 2018, Chapter 364
- 35 **17C-1-207**, as last amended by Laws of Utah 2018, Chapters 364 and 366
- 36 **17C-1-402**, as last amended by Laws of Utah 2018, Chapter 364
- 37 **17C-1-407**, as last amended by Laws of Utah 2016, Chapter 350
- 38 **17C-1-409**, as last amended by Laws of Utah 2018, Chapter 312
- 39 **17C-1-412**, as last amended by Laws of Utah 2018, Chapter 312
- 40 **17C-1-802**, as renumbered and amended by Laws of Utah 2016, Chapter 350
- 41 **17C-1-803**, as renumbered and amended by Laws of Utah 2016, Chapter 350
- 42 **17C-1-804**, as renumbered and amended by Laws of Utah 2016, Chapter 350
- 43 **17C-1-805**, as renumbered and amended by Laws of Utah 2016, Chapter 350
- 44 **17C-1-807**, as renumbered and amended by Laws of Utah 2016, Chapter 350
- 45 **17C-1-902**, as last amended by Laws of Utah 2018, Chapter 364
- 46 **17C-2-101.5**, as renumbered and amended by Laws of Utah 2016, Chapter 350
- 47 **17C-2-102**, as last amended by Laws of Utah 2016, Chapter 350
- 48 **17C-2-103**, as last amended by Laws of Utah 2016, Chapter 350
- 49 **17C-2-106**, as last amended by Laws of Utah 2016, Chapter 350
- 50 **17C-2-110**, as last amended by Laws of Utah 2018, Chapter 364
- 51 **17C-2-202**, as last amended by Laws of Utah 2007, Chapter 364
- 52 **17C-2-301**, as last amended by Laws of Utah 2008, Chapter 125
- 53 **17C-2-302**, as last amended by Laws of Utah 2007, Chapter 364
- 54 **17C-2-303**, as last amended by Laws of Utah 2016, Chapter 350
- 55 **17C-2-304**, as last amended by Laws of Utah 2007, Chapter 364
- 56 **17C-5-103**, as last amended by Laws of Utah 2017, Chapter 456

- 57 [17C-5-104](#), as last amended by Laws of Utah 2018, Chapter 364
- 58 [17C-5-105](#), as last amended by Laws of Utah 2018, Chapter 364
- 59 [17C-5-108](#), as last amended by Laws of Utah 2018, Chapter 364
- 60 [17C-5-112](#), as last amended by Laws of Utah 2018, Chapter 364
- 61 [17C-5-202](#), as last amended by Laws of Utah 2017, Chapter 456
- 62 [17C-5-203](#), as last amended by Laws of Utah 2017, Chapter 456
- 63 [17C-5-205](#), as enacted by Laws of Utah 2016, Chapter 350
- 64 [17C-5-401](#), as enacted by Laws of Utah 2016, Chapter 350
- 65 [17C-5-402](#), as last amended by Laws of Utah 2017, Chapter 456
- 66 [17C-5-403](#), as last amended by Laws of Utah 2017, Chapter 456
- 67 [17C-5-404](#), as enacted by Laws of Utah 2016, Chapter 350
- 68 [17C-5-405](#), as last amended by Laws of Utah 2018, Chapter 422
- 69 [17C-5-406](#), as enacted by Laws of Utah 2016, Chapter 350

70 ~~§→ [Utah Code Sections Affected by Coordination Clause:~~

71 ~~—————[17C-5-202](#), as last amended by Laws of Utah 2017, Chapter 456] ? ←§~~



73 *Be it enacted by the Legislature of the state of Utah:*

74 Section 1. Section **10-8-2** is amended to read:

75 **10-8-2. Appropriations -- Acquisition and disposal of property -- Municipal**
76 **authority -- Corporate purpose -- Procedure -- Notice of intent to acquire real property.**

77 (1) (a) A municipal legislative body may:

78 (i) appropriate money for corporate purposes only;

79 (ii) provide for payment of debts and expenses of the corporation;

80 (iii) subject to Subsections (4) and (5), purchase, receive, hold, sell, lease, convey, and
81 dispose of real and personal property for the benefit of the municipality, whether the property is
82 within or without the municipality's corporate boundaries, if the action is in the public interest
83 and complies with other law;

84 (iv) improve, protect, and do any other thing in relation to this property that an
85 individual could do; and

86 (v) subject to Subsection (2) and after first holding a public hearing, authorize
87 municipal services or other nonmonetary assistance to be provided to or waive fees required to

1948 entity's tax increment, or any specified dollar amount of tax increment, for any period of time.

1949 (3) Notwithstanding Subsection (2), an agency that adopts a community reinvestment
1950 project area plan that is subject to a taxing entity committee may negotiate and enter into an
1951 interlocal agreement with a taxing entity and receive all or a portion of the taxing entity's sales
1952 and use tax revenue for any period of time.

1953 Section 35. Section 17C-5-205 is amended to read:

1954 **17C-5-205. Interlocal agreement to provide project area funds for the community**
1955 **reinvestment project area subject to interlocal agreement -- Notice -- Effective date of**
1956 **interlocal agreement -- Time to contest interlocal agreement -- Availability of interlocal**
1957 **agreement.**

1958 (1) ~~[The]~~ An agency shall:

1959 (a) approve and adopt an interlocal agreement described in Section 17C-5-204 at an
1960 open and public meeting; and

1961 (b) provide a notice of the meeting ~~§→ [which includes a statement that the interlocal~~
1962 ~~agreement authorizes the diversion of property tax for a community reinvestment project area.]~~ titled
1962a "Diversion of Property Tax for a Community Reinvestment Project Area." ←§

1963 (2) (a) Upon the execution of an interlocal agreement described in Section 17C-5-204,
1964 the agency shall provide notice of the execution by:

1965 (i) (A) publishing or causing to be published a notice in a newspaper of general
1966 circulation within the agency's boundaries; or

1967 (B) if there is no newspaper of general circulation within the agency's boundaries,
1968 causing the notice to be posted in at least three public places within the agency's boundaries;
1969 and

1970 (ii) publishing or causing the notice to be published on the Utah Public Notice Website
1971 created in Section 63F-1-701.

1972 (b) A notice described in Subsection (2)(a) shall include:

1973 (i) a summary of the interlocal agreement; and

1974 (ii) a statement that the interlocal agreement;

1975 (A) is available for public inspection and the hours for inspection; and

1976 (B) authorizes the agency to receive all or a portion of a taxing entity's tax increment or
1977 sales and use tax revenue.

1978 (3) An interlocal agreement described in Section 17C-5-204 is effective the day on

2165 agency improperly excluded the evidence; or

2166 (ii) if there is no record, the district court may call witnesses and take evidence.

2167 ~~§→ [Section 42. Coordinating H.B. 245 with S.B. 98 -- Substantive amendments.~~

2168 ~~———— If this H.B. 245 and S.B. 98, Community Reinvestment Agency Amendments, both~~
 2169 ~~pass and become law, it is the intent of the Legislature that Section 17C-5-202 shall be~~
 2170 ~~amended to read:~~

2171 ~~———— "17C-5-202. Community reinvestment project area funding options.~~

2172 ~~———— (1) (a) [Except] Beginning on May 14, 2019, and except as provided in Subsection (2),~~
 2173 ~~for the purpose of receiving project area funds for use within a community reinvestment project~~
 2174 ~~area, an agency shall negotiate and enter into an interlocal agreement with a taxing entity in~~
 2175 ~~accordance with Section 17C-5-204 to receive all or a portion of the taxing entity's tax~~
 2176 ~~increment or sales and use tax revenue in accordance with the interlocal agreement.~~

2177 ~~———— (b) If a community reinvestment project area is subject to an interlocal agreement~~
 2178 ~~under Subsection (1)(a) and the agency subsequently amends the community reinvestment~~
 2179 ~~project area plan as described in Subsection 17C-5-112(4), the agency shall continue to receive~~
 2180 ~~project area funds under the interlocal agreement.~~

2181 ~~———— [(2) If an agency plans to create a community reinvestment project area and adopt a~~
 2182 ~~community reinvestment project area plan that provides for the use of eminent domain to~~
 2183 ~~acquire property within the community reinvestment project area, the agency shall create a~~
 2184 ~~taxing entity committee as described in Section 17C-1-402 and receive tax increment in~~
 2185 ~~accordance with Section 17C-5-203.]~~

2186 ~~———— [(3) An agency shall comply with Chapter 5, Part 3, Community Reinvestment Project~~
 2187 ~~Area Budget, regardless of whether an agency enters into an interlocal agreement under~~
 2188 ~~Subsection (1) or creates a taxing entity committee under Subsection (2).]~~

2189 ~~———— (2) Notwithstanding Subsection (1), an agency may receive tax increment in~~
 2190 ~~accordance with Section 17C-5-203 if the agency created a community reinvestment project~~
 2191 ~~area before May 14, 2019, that is subject to a taxing entity committee and provides for the use~~
 2192 ~~of eminent domain to acquire property within the community reinvestment project area.~~

2193 ~~———— (3) Regardless of whether an agency enters into an interlocal agreement under~~
 2194 ~~Subsection (1) or receives tax increment under Subsection (2), an agency:~~

2195 ~~———— (a) shall comply with Part 3, Community Reinvestment Project Area Budget; and~~Ⓢ

2196 ~~• (b) except as provided in Subsection 17C-1-409(6)(b), may not pay a taxing entity that~~
2197 ~~is not the community that created the agency a one-time or ongoing:~~
2198 ~~— (i) administrative fee; or~~
2199 ~~— (ii) fee related to the creation, operation, or administration of a project area." | ←§~~